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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,697	10/31/2001	Frank J. Kronzer	NPI-14 (16326.1)	2526
22827	7590	03/08/2007		
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER DICUS, TAMRA	
			ART UNIT	PAPER NUMBER
			1774	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/003,697	<b>Applicant(s)</b> KRONZER, FRANK J.	
	<b>Examiner</b> Tamra L. Dicus	<b>Art Unit</b> 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-51, 58, 64 and 66-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58, 66-72 is/are allowed.
- 6) ☒ Claim(s) 43-51 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's arguments over claim 58 are persuasive and the rejection is withdrawn. In the prior Office Action, allowable subject matter was indicated, however, during an updated search, new art was found. The Double Patenting rejection is withdrawn due to Applicant's cancellation of the claims.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 43-47 and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Hare.

Hare teaches a heat transfer material comprising a base substrate (11, FIG. 1 and associated text); a release coating layer (8:45-50), and a transferable portion (12, FIG. 1 and associated text) overlying the base substrate; wherein the transferable portion is comprised of crosslinked polymer ethylene-methacrylic acid copolymer (9:43-62) layer in two or more layers (13:10-20, equivalent to crosslinked polymer and printable layers) the transfer layers are melt-flowable at a transfer temperature. Hare also teaches a release layer is also used in place of the melt-transfer layer of referenced Kronzer '990 (7:40-45). Hare discloses the support materials

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are of cellulose acetate films and papers (13: 48-65) per instant claim 47. Instant claims 43-44 and 47 are addressed.

While Hare teaches release layers and separation of the transfer layer from the support is an absolute requirement (13:55-60), Hare does not expressly teach a "peelable" film. However, because the transfer layers are separable from the support, and are used in two or more layers, and also teaches use of three layers (13:19-20), the third layer serves as a peelable film because it is of the same ethylene-methacrylic acid copolymer (includes copolymers of olefins, methacrylic acid monomers per instant claim 44) and thus expects to function as "peelable".

Hare teaches the release layer, and its composition of ethylene-acrylic acid copolymer (7:45-50), and a wax addition (7:50-65, release agent) per instant claims 45-46.

The results from causing the peelable film to melt and flow (claim 64) are inherent as the same materials are employed.

Hare teaches the transfer layer may comprise ink, which is known to provide color through a pigment (8:58-60), and therefore considered to be an opacifying material.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare in view of Ho.

Hare is referenced above.

Hare does not expressly disclose the transfer layers include opacifying material having a pigment and a crosslinker as per instant claims 48-51, while teaching the transfer layer may comprise ink, which is known to provide color through a pigment (8:58-60).

Ho teaches crosslinking agents epoxy and polyfunctional aziridine are incorporated with acrylic polymers in thermal transfer media in ink compositions containing white pigment in one or two continuous or discontinuous layers (col. 3, lines 28-45, col. 4, lines 1-21 and 55-68, and col. 5, lines 1-5, FIG. 1 and 2) serving to adjust melt flow characteristics (Examples and Abstract).

It would have been obvious to one of ordinary skill in the art to have modified the heat transfer of Kronzer to have included crosslinking agents epoxy and polyfunctional aziridine incorporated with acrylic polymers in thermal transfer media containing white pigment in a continuous or discontinuous layers as claimed because the composition serves to adjust melt flow characteristics (col. 3, lines 28-45, col. 4, lines 1-21 and 42-68, and col. 5, lines 1-5, FIG. 1 and 2, Examples and Abstract of Ho).

#### ***Allowable Subject Matter***

Claims 58 and 66-72 are allowed.

The following is an examiner's statement of reasons for allowance: The applied prior art does not teach or suggest a method of forming an image-bearing coating on a surface wherein the

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method comprises removing the non-transferable portion materials and overall structure order and placing the peelable film on a surface as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments with respect to claim 58 have been considered but are moot in view of the allowable subject matter.

### ***Conclusion***

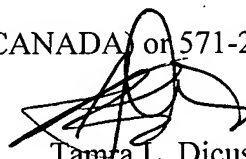
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 20, 2007



Tamra L. Dicus  
Examiner  
Art Unit 1774



RENA DYE  
SUPERVISORY PATENT EXAMINER

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